

CITY OF SHOREWOOD
PLANNING COMMISSION MEETING
TUESDAY MAY 3, 2022

COUNCIL CHAMBERS
5755 COUNTRY CLUB ROAD
7:00 P.M.

A G E N D A

CALL TO ORDER

ROLL CALL / (LIAISON) SCHEDULE

MADDY (Aug) _____
EGGENBERGER () _____
HOLKER (July) _____
RIEDEL (June) _____
HUSKINS (May) _____
COUNCIL LIAISON SIAKEL (JAN-JUNE) _____
COUNCIL LIAISON GORHAM (JULY-DEC) _____

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

- ♦ April 5, 2022

3. MATTERS FROM THE FLOOR

(This portion of the meeting allows members of the public the opportunity to bring up items that are not on the agenda. Each speaker has a maximum of three minutes to present their topic. Multiple speakers may not bring up the same points. No decisions would be made on the topic at the meeting except that the item may be referred to staff for more information or the City Council.)

4. PUBLIC HEARINGS

- A) City Code Amendments for Campaign and Non-Commercial Speech Signs
Applicant: City of Shorewood
City-wide

5. NEW BUSINESS

- A) Pre-Application Sketch Review
Applicant: Lifestyle Communities
Location 24250 Smithtown Road

6. OLD BUSINESS – None

7. REPORTS

- A) Council Meeting Report
- B) Draft Next Meeting Agenda

8. ADJOURNMENT

CITY OF SHOREWOOD
PLANNING COMMISSION MEETING
TUESDAY, APRIL 5, 2022

COUNCIL CHAMBERS
5755 COUNTRY CLUB ROAD
7:00 P.M.

DRAFT MINUTES

CALL TO ORDER

Chair Maddy called the meeting to order at 7:01 P.M.

ROLL CALL

Present: Chair Maddy; Commissioners Eggenberger, Riedel, Huskins and Holker; Planning Director Darling; Planning Technician Jason Carlson; and Council Liaison Siakel

Absent: None

1. APPROVAL OF AGENDA

Commissioner Eggenberger suggested that agenda items 4 and 5 be reversed because the public hearing item may get lengthy.

Eggenberger moved, Riedel seconded, approving the agenda for April 5, 2022, as amended by reversing items 4 and 5. Motion passed 5/0.

2. APPROVAL OF MINUTES

- **March 1, 2022**

Chair Maddy noted that the minutes denoted that the meeting was held in Council Chambers; however the meeting was held virtually.

Riedel moved, Holker seconded, approving the Planning Commission Meeting Minutes of March 1, 2022, as amended. Motion passed 5/0.

3. MATTERS FROM THE FLOOR - NONE

4. NEW BUSINESS

A. Site Plan Amendment Review for Commercial Building Modification

Applicant: Mikan Homes

Location: 24275 Smithtown Road

Planning Director Darling stated that the applicant proposed to remodel the building and site to accommodate their office and storage needs. She noted that the City does not do many of this type of review and gave a brief explanation of what is involved in a Site Plan Review. She explained that the applicant is proposing to re-side and re-roof the building. They will convert the car repair area on the south side of the building to a storage area and interior parking and the north side will become the office and conference room areas. She noted that they have plans to remove much of the bituminous in the front of the building but leave enough for two parking spaces. The applicant has proposed to remove much of the gravel storage area in the back but reserve enough space for 5 additional parking spaces plus maneuvering area so they can still get

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the trailers and vehicles inside the building in the back. She stated that they are proposing 5 parking spaces in the back, 2 in the front and 2 inside the building which is more than what code requires. She stated that staff recommends approval with a few conditions as noted in the staff report. She explained that Site Plan Reviews do not require notification for the adjacent property owners or a public hearing, but the Commission could take public testimony.

Commissioner Eggenberger asked if they will need a sign permit in order to place their sign on the building.

Planning Director Darling stated that this was correct.

Chair Maddy stated that it appears that the curb cut driveway onto County Road 19 is split between the two buildings and asked if there was an easement where they both have access to the full width.

Planning Director Darling stated that she will defer that answer to the applicant.

Commissioner Riedel stated that the existing building was legally non-conforming and asked if this proposal would reduce the non-conformity.

Planning Director Darling stated that the building position would stay the same. She explained that the non-conformity is just a small amount of the northwest corner of the building plus the entire east side of the building because it is set too close to the east property line.

Chair Maddy noted that they are improving the impervious surface because they are substantially reducing it.

Commissioner Holker asked where the access would be to the two indoor parking spaces.

Planning Director Darling explained that would be around the back and noted that is where the old repair shop space was located.

Commissioner Huskins confirmed that the Commission was not here to make any comments related to ADA requirements.

Planning Director Darling explained that is not really a land use decision as the ADA regulations are required by the building code and they have to conform to them as part of their building permit review. She stated that the applicant has done considerable research on the topic and the Commission can ask questions about them if they like.

Ryan Jones, 6105 Seamans Drive, applicant, stated that related to the easement on the side of the property for the parking, their property line goes up to the side of the computer store. He explained that there is an existing gate that attaches to the back side of their property which is ample width for their trucks to pull down that side. He stated that there was an engineer recommendation on the labeled gravel portion on the front side of the building because right now, the parking spots protrude past where the curb cut is located. He stated that the plan is just to tilt the entrance into the front and pull those parking spots all the way so they are protected by the curb that is there. He stated that there are 4 tall bays on the back side of the building and they will be getting rid of two of them to allow for some pallet racks so they can store building materials. He noted that they will be reducing the impervious surface amount from about 88% to 60% and explained that their goal is to decrease the runoff outside of their property and increase the aesthetic from the front side of the building. He stated that related to ADA comments, the parking

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spot closest to the back side of the building is the ADA parking. He noted that they have standard swing doors and they are proposing to have a wheelchair lift in the back that would bring any client that may need it up to the office level.

Commissioner Huskins stated that he was just curious as to why it was in the rear of the building rather than the front.

Mr. Jones explained that it is because of the way the building is situated because when you walk in the front, there are about three steps down to the landing.

Commissioner Holker asked if there would be any vehicles in the building overnight.

Mr. Jones stated that they were not planning to. He noted that the vehicles are their personal vehicles which are driven around regularly. He stated that there will be steadily 3 people at the office, but they are usually not in the office all at the same time and expects there will only be 1 or 2 people at the office at one time.

Commissioner Riedel asked about the gravel area because that will be reduced quite a bit and asked if the usage would be changing.

Mr. Jones stated that it will probably will not change outside if they don't plan to store trailers and boats back there. He noted that he thinks there was some concern about run off of the impervious surfaces that were coming down into the park and into the City's property. He stated that they thought there was kind of a middle ground where they could remove some of the material, but still get 4 parking spots and the trailer back up area.

Commissioner Riedel asked if they would ever be pulling an excavator in that space.

Mr. Jones stated that outside of getting the work done, they do not own one so he would not see the need to bring one in there. He stated that the material that they would maybe bring in would be things like doors and windows that they would load into the storage area until they were needed for a specific job.

Chair Maddy asked about the curb cut off of 19 and asked if Mr. Jones would have access to the full curb cut.

Mr. Jones stated that something happened when the survey was done and it looks like the curb cut is further towards the north. He explained the actual location of the curb cut and stated that there was plenty of space to pull in and out on 19.

Chair Maddy stated that in one of the renderings there was an American flag flying but there is no pin spot in their electrical lighting plan for the flag and asked if they intended to fly a flag and if they would be putting in a spotlight.

Mr. Jones stated that was a drawing that their architect had done and believes that he was trying to 'pretty things up' for them.

Commissioner Huskins asked about timing for this project if it is approved.

Mr. Jones stated that their biggest hurdle to overcome is getting the windows ordered and would guess that it will be about 5 or 6 months if they can get their materials. He noted that he expects that they will be able to get the interior portion of the remodel started right away.

Chair Maddy opened this item for public comment at 7:22 p.m., being there were no comments, he closed the public comment portion of the meeting.

Eggenberger moved, Huskins seconded, recommending approval of the Site Plan Amendment Review at 24275 Smithtown Road, with the staff recommendations. Motion passed 5/0.

Planning Director Darling noted that this will go before the City Council on April 25, 2022.

5. PUBLIC HEARINGS

Chair Maddy explained the Planning Commission is comprised of residents of the City of Shorewood who are serving as volunteers on the Commission. The Commissioners are appointed by the City Council. The Commission's role is to help the City Council in determining zoning and planning issues. One of the Commission's responsibilities is to hold public hearings and to help develop the factual record for an application and to make a non-binding recommendation to the City Council. The recommendation is advisory only.

A. PUBLIC HEARING – City Code Amendments for Campaign and Non-Commercial Speech Sign Amendment Discussion

Applicant: City of Shorewood

Location: City-Wide

Chair Maddy confirmed that the City had only received one item of correspondence for this matter.

Planning Director Darling stated that she had only received one. She explained that this is a proposed code amendment to amend regulations pertaining to campaign and non-commercial speech signs. She stated that the amendments are proposed to make the language clearer and more enforceable, consistent with State statute, move the City closer to content neutral language, and protect City against challenges based on content specific signage language. She gave an overview of some of the proposed ordinance amendments. She stated that the City received one letter from Mr. Alan Yelsey, 26335 Peach Circle that had been distributed to the Commission prior to the meeting and will be included as part of the public record for the meeting.

Chair Maddy suggested that the Commission go over the two concerns that had been raised in the correspondence. He stated that one of the concerns regarding being allowed to post anything they want during non-election season which he believes is covered in another section.

Planning Director Darling explained that currently, the zoning ordinance does not allow you to post signage in any number, anywhere you may want. She stated that you are allowed to post some signs on your property and noted that the language right now in the code is content specific so they are proposing to add a substitution clause so for any allowed sign, you may substitute a non-commercial speech on that sign and have it in the same locations that would otherwise be allowed. She noted that most signs have a 5-foot setback from front property lines and a 5 foot setback from side property lines.

Commissioner Riedel confirmed that the substitution clause only applies to signs on your own property and not within easements. He stated that he believes the intent is for these amendments to serve as a bridge and the intent is to revisit this ordinance following the election season.

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Planning Director Darling stated that they could not look at revisions for the entire sign code in time for the election campaign season, so they are proposing targeted amendments specifically for campaign and election signage.

The Commission discussed details of the substitution clause, right-of-way, setbacks, what portions of the Code are intended to be revisited and suggested some additional language changes to make things clearer.

Commissioner Eggenberger noted under General Provisions #11 it appears to exempt flags but sometimes what is on a sign is also what is seen on a flag. He asked what 'political unit' meant.

Planning Director Darling stated that she would take that to mean a County, City, or a district.

Commissioner Eggenberger asked what is meant by the term 'integral signs'.

Planning Director Darling explained that she was not sure what that term meant when this was written and noted that this is a paragraph that will take some amendment when the code is rewritten.

Commissioner Eggenberger stated that he was just trying to make sure they understood because he feels people will try to get around it.

Chair Maddy noted that he had just checked the dictionary and it stated, 'necessary to make a whole, complete, essentially, or fundamental'.

Commissioner Riedel stated that he would read it as a sign that is in one piece and not presented in several pieces.

Planning Director Darling noted that she found a definition for it within the zoning regulations which is, 'a sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets, and the like when carved into stone, concrete or similar material, or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.'

Commissioner Holker clarified that this is a portion of the Code that they are planning to revisit post-election period.

Huskins moved, Holker seconded, recommending approval of the Draft Text Amendments for Campaign Signs and Non-Commercial Speech Signs with the amendment under General Provisions C, #6 to explicitly state the exceptions. Motion passed 5/0.

6. OLD BUSINESS – NONE

7. REPORTS

- **Council Meeting Report**

Council Liaison Siakel noted that due to spring break, the Council did not meet last week and gave an update on the discussions and actions taken at the March 14, 2022 City Council meeting.

- **Draft Next Meeting Agenda**

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Chair Maddy noted that he will not be in attendance at next month's Planning Commission meeting.

Planning Director Darling stated that there is an application for a rezoning, PUD and preliminary plat for 9 units on the east side of Lake Como, just north of Radisson Road, but noted that she wasn't sure if that would be ready in time for the May meeting. She stated that she will keep the Commission informed because they may end up cancelling the next meeting.

- **Liaison to Council for June, July, and August**

June – Commissioner Riedel

July – Commissioner Holker

August – Chair Maddy

8. ADJOURNMENT

Riedel moved, Huskins seconded, adjourning the Planning Commission Meeting of April 5, 2022, at 7:56 P.M. Motion passed 5/0.



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MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: May 3, 2022

RE: Text Amendments for Campaign Signs and Non-Commercial Speech

At the April 5, 2022 meeting, the Planning Commission made a procedural error in the public hearing process. Consequently, the hearing must be held again. Attached is the staff report from the April 5 meeting for more background.

These are the changes since the last meeting:

1. The Planning Commission's recommended change to c. (General Standards) part 6 has been included.
2. In section b (1) (d) Staff added "and size" behind number. Although there was nothing in the proposed regulations that identified a minimum or maximum size or number for noncommercial speech signs in the ordinance, staff added the additional language.
3. Staff placed the ordinance in formal format for City Council review.

Staff recommends the Commission hold the public hearing, consider the amendments with the public testimony offered and provide a recommendation to the City Council. Staff recommends approval of the ordinance amendments. This item would likely move forward to the City Council on May 9, 2022.

Public Notice:

Notice of the public hearing has been published in the city's official newspapers at least 10 days prior to the hearing.

ATTACHMENTS:

Planning Commission Memo from April 5, 2022
Correspondence Received
Draft Ordinance



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MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: April 5, 2022

RE: **Text Amendments for Campaign Signs and Non-Commercial Speech**

Attached for your review is the draft ordinance for campaign signs and non-commercial speech. The amendments are proposed to accomplish the following:

1. Add new definitions for commercial and noncommercial signs.
2. Remove the definition of campaign signs.
3. Amend the regulations for campaign signs to: 1) rename them as noncommercial signs; 2) clarify the time period when they are allowed in any number or size; and 3) amend the setback.
4. Add a substitution clause to allow noncommercial speech to be substituted for commercial or other noncommercial speech.
5. Various small amendments to correct terms or grammar.

These amendments were discussed informally at the March 1, 2022 meeting and no additional changes were made to the draft since that meeting.

Staff recommends the Commission review the ordinance, hold the public hearing, consider the amendments with the public testimony offered and provide a recommendation to the City Council. Staff recommends approval of the ordinance amendments.

Public Notice:

Notice of the public hearing has been published in the city's official newspapers at least 10 days prior to the hearing.

ATTACHMENTS:

Planning Commission Memo from March 1, 2022
Draft Ordinance



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MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: March 1, 2022

RE: **Draft Text Amendments for Campaign Signs and Non-Commercial Speech**

Last year, the Planning Commission reviewed several proposed amendments to City Code related to noncommercial speech signs and campaign signs and forwarded recommendations to the City Council. The City Council continued the discussion of the amendments indefinitely, which requires the review process to start over. They asked staff to bring the topic back for their discussion at the February 14, 2022 worksession. The staff report and minutes are attached. Based on their direction, staff has revised the amendments and brings them to your attention for discussion.

Attached to this memo is the information sent to the City Council and proposed draft language. Please review the language and provide comments or concerns. Staff have tentatively set the public hearing for the April Planning Commission meeting. In order to be adopted prior to the election season, the amendments would need to be adopted in April.

Proposed Ordinance Amendments

The proposed ordinance amendments:

1. Add new definitions.
2. Remove the definition of campaign signs.
3. Amend the regulations for campaign signs to 1) rename them as noncommercial signs; 2) clarify the time period where they are allowed; and 3) clarify the setback.
4. Add a substitution clause.

ATTACHMENTS:

City Council Worksession Memo from February 14, 2022
Minutes from February 14, 2022 City Council meeting
Draft Ordinance



City of Shorewood Council Meeting Item

Title/Subject: Potential Amendments to City Code Chapter 1201.03 Regarding Rules for Campaign and Other Related Signage

Meeting Date: February 2, 2022

Prepared By: Marie Darling, Planning Director

Attachments: Draft ordinance amendments

At the January 24, 2022 meeting, the City Council directed staff to provide a review of any necessary changes to the zoning ordinance related to election signage. The Council's stated goal was to have any changes to the ordinance completed prior to the election season.

Below staff have prepared a summary of the current statute language, current city regulations, and staff recommendations on what is needed to improve the regulations.

State Statute:

Minnesota State Statute 211B.045 has specific language regarding noncommercial speech signs during state election years.

211B.045 NONCOMMERCIAL SIGNS EXEMPTION.

All noncommercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until ten days following the state general election. Municipal ordinances may regulate the size and number of noncommercial signs at other times.

During the defined time-period above, no City may limit the number or size of campaign signs.

Shorewood Code Language:

In an attempt to comply with State Statute, Shorewood's current sign regulations (Section 1201.03 Subd. 11. b. (1) (d) of City Code) related to the above include the following:

- (d) Every campaign sign must contain the name and address of persons responsible for the sign, and that person shall be responsible for its removal. Signs shall be permitted on each lot for a period of 100 days prior to and ten days after an election. All campaign signs or other noncommercial speech signs may be posted from 46 days before the state primary in a state general election year until ten days following the state general election, pursuant to M.S. § 211B.045. Signs posted both during and after this time period are subject to all other applicable requirements in this subdivision. At any time, the city shall have the right to remove signs that are prohibited under this subdivision, and assess a fee as provided from time to time by ordinance. Campaign signs or other noncommercial speech signs shall not be located closer than ten feet from any street surface, and shall not be placed in front of any property without the consent of the property owner.

Improvements Proposed:

1. Remove the defined term “campaign sign” from the code and replace with noncommercial speech sign (with a new definition). Campaign sign is a term that regulates content, which is no longer allowed in sign regulations. Noncommercial speech sign is viewed as a content neutral label and is consistent with Supreme Court precedent.
2. Use the same time period for all elections consistent with state statute, 46 days prior to primaries until 10 days after the election.
3. Remove the fee for removal of signs as it would be difficult to determine who would need to be charged and staff typically does not try to assess the cost of removing the signs.
4. Keep the distance requirement from the edge of the street to protect the use of the street and adjacent boulevard for drivers and pedestrians.
5. Add a substitution clause to allow any noncommercial speech to be substituted for other noncommercial speech signs or commercial signs. This would allow noncommercial speech signs in lieu of other allowed signs outside of the election time period defined in statute.

Staff provided some optional draft language on the issues outlined above.

Next Steps

The amendments that were previously in front of the City Council at their July 26, 2021 meeting, were continued indefinitely. To reconsider any amendments, a new public hearing would need to be held at the Planning Commission.

To be in place prior to the next election, the city would need to have the ordinance approved and published prior to May 1, 2022 to avoid any conflicts with the current language in the code that indicates signs are permitted 100 days prior to any election.

As the City Council considers sign regulations, it is important to note that due to the United States Supreme Court’s ruling in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015), a city may not restrict expression based on its content (e.g., distinguishing between garage sale signs, wedding signs, campaign signs), but still may regulate signs on a reasonable time, place, and manner restrictions. Following *Reed*, cities have regulated the following:

- Rules regulating the size of signs.
- Rules regulating the locations in which signs may be placed.
- Rules distinguishing between lighted and unlighted signs.
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change.
- Rules that distinguish between the placement of signs on private and public property.
- Rules distinguishing between the placement of signs on commercial and residential property.
- Rules distinguishing between on-premises and off-premises signs.
- Rules restricting the total number of signs allowed per mile of roadway.
- Special rules for government signs.

Direction:

Staff requests direction on the following:

1. Does the City Council find amendments to the regulations are warranted at this time?
2. Are the amendments shown adequate or would the City Council find other amendments to the sign code are needed at this time as well?

CITY OF SHOREWOOD
CITY COUNCIL WORK SESSION MEETING
MONDAY, FEBRUARY 14, 2022

5755 COUNTRY CLUB ROAD
COUNCIL CHAMBERS
6:00 P.M.

MINUTES

1. CONVENE CITY COUNCIL WORK SESSION MEETING (Held via interactive technology/videoconferencing)

Mayor Labadie called the meeting to order at 6:01 P.M.

A. Roll Call

Present. Mayor Labadie; Councilmembers Johnson, Siakel, Gorham, and Callies; City Attorney Shepherd; City Administrator Lerud; Planning Director Darling; and Director of Public Works Brown;

Absent: None

B. Review Agenda

Siakel moved, Gorham seconded, approving the agenda as presented.

Roll Call Vote: Johnson, Callies, Siakel, Gorham and Labadie voted Aye. **Motion passed 5/0.**

2. SIGN ORDINANCE

Planning Director Darling stated that staff was directed to provide a review of any necessary changes to the Zoning Ordinance related to election signage at the January 24, 2022 meeting. She noted that included in the packet was language from the State statute as well as the Shorewood City Code. She explained that what staff is hoping to accomplish is to strip down the proposal just to the most important issues to minimize any impact that changes to the signage may cause. She stated that staff would like to move the ordinance towards content neutrality and have a clear time period for enforcement of election signage and add a substitution clause to allow more opportunity for non-commercial speech signs outside of the election time period. She reviewed the improvements that staff are proposing as outlined in the staff report. She noted that a new public hearing would need to be held by the Planning Commission before any changes could be adopted. She stated that in order for this to be in place prior to the election, the ordinance would need to be approved and published prior to May 1, 2022.

Councilmember Callies stated that she had already spoken with Planning Director Darling regarding some of her questions. She stated that overall, she agrees with what is being proposed and thinks it is helpful to have this meeting prior to the public hearing so the Council can try to winnow down what is being considered by the Planning Commission. She noted that in her opinion, a distance of ten feet from the street surface is too much for many neighborhoods in the City. She stated that she would like to see the City stick with the five foot distance that is located elsewhere in the ordinance for non-commercial speech signs. She stated that she understands why the City wants to have consistency for all types of elections, however, she thinks it is too drastic of a change from the current language. She reviewed the time period between the primary and general election for the school board and noted that 46 days for the other type of public

elections is not really keeping it the same for the type of elections because the time period between the primary and general election for some, is longer than that time period. She stated that she would like to keep it at one-hundred days as it is in the current ordinance. She asked where signs like 'Happy Birthday' or 'Black Lives Matter' would fit into the ordinance and why the City was doing a substitution clause.

Planning Director Darling stated that regarding the setback being too large, the City has the ability to alter that particular setback. She stated that she thinks five feet may be too close in some situations and gave the example of situation where there are improved shoulders adjacent to the paved roadway, unless they alter the setback to be from the improved roadway which takes into account shoulders. She stated that regarding the time period for signage being one-hundred days, as long as it is clearly written and can be enforced so it does not allow one-hundred days before every primary and every election, she thinks that would be acceptable. She explained the substitution clause which allows any sign that is allowed in any district to be substituted, so you can substitute out the non-commercial speech message for whatever the allowed message is on the permitted or listed sign. She gave the example of address signage as one that is allowed at two square feet, so most of the 'Black Lives Matter' or "Blue Lives Matter" signs would fit into that square footage allowance, so they would be allowed to have that on the property as a substitute for the address sign.

City Attorney Shepherd gave a brief explanation of the substitution clause and noted that it is a mechanism that helps the City address some of the issues that arise in the sign ordinance especially in light of recent case law. He referenced the most recent Supreme Court case of *Reed v. Gilbert* and noted that what needs to be considered is that there can be no content based regulation but the City can have reasonable time, place, and manner restrictions, such as setback from the road. He stated that there are things in the Code that still need to be worked on to ensure that the City is complying with the content neutrality issue.

Councilmember Callies stated that she finds the substitution clause a bit confusing, not because of the way Planning Director Darling has written it, but because it is a confusing principle. She noted that the City could be put at risk if it did not have the ability to substitute this type of sign and understands that it is a good thing to have and feels it is of benefit to citizens.

Councilmember Gorham stated that he was also confused by the substitution clause because from reading it, it appeared that you could substitute a campaign sign for a 'Black Lives Matter' sign which means it would then be restricted by the timeframe. He stated that it looks like it refers to a different subdivision so you have to do that bit of digging to understand it. He stated that he would like to see the distance be closer, such as five feet. He asked about Section 3, Subd. C.(3) where it states, 'No portion of any sign shall be located within five feet of any property line, except as permitted in b.(1)(d) of this subdivision.' He stated that this says five feet, but the subdivision it references says ten feet and noted that he felt this was a strange way to word it.

Councilmember Siakel stated that she agreed that there are a lot of situations in the City where ten feet does not make sense. She asked if there could be a distinction between a County roadway versus a side street. She stated that for the most part, five feet, in Shorewood, seems to make sense and would like to see if there would be a way to differentiate between the type of street for five feet versus ten feet. She gave the example of a sign in her yard being back ten feet and explained that it would never be seen. She stated that she agreed with the comment made by Councilmember Callies regarding school board election signs going from one-hundred to forty-six days and understands why the City would want to align that number.

Mayor Labadie stated that she agrees that there are portions of the City where ten feet would make signs not visible. She asked if Public Works Director Brown had any concerns from a Public Works standpoint with a five foot setback versus a ten foot setback. Public Works Director Brown stated that the City could specifying a setback from a corner because that is typically where you get into most site distance issues. He suggested that there be something similar to the landscaping ordinances where there is a site triangle requirement at the intersections.

Mayor Labadie stated that she does not want to get to the point where the City is out actively policing signs and has become an enforcer. Councilmember Siakel stated that the City has not done this in the past and noted that she was not sure why this issue has become such a big deal. She stated that she understands updating the ordinance because of some of the things such as the Supreme Court decision, but does not think this should be punitive. She stated that if someone wants to be able to put up a sign in their yard, she feels they should be able to do that.

Councilmember Callies asked about the statement made earlier by Planning Director Darling when she talked about distance from the improved roadway versus the street surface. She stated that, to her, that sounds like the same thing. She stated that she believes that there have been complaints in every election so she understands the City has to have something in the Code, but in her opinion, the less said, the better.

Mayor Labadie stated that this came about because of complaints during the last election. She explained that she would like this ordinance to get to the point where anyone can understand it clearly. She stated that she feels the current language was not easily understood, which is where Councilmember Callies explanation that 'less is more' would be beneficial.

Councilmember Siakel asked what the specific complaints were and suggested that perhaps the discussion needed to focus on those specific areas. She stated that if the goal is to simplify it and make it easily understood, she would say that saying something has to be five feet from an 'improved road surface' is probably confusing for most people.

Public Works Director Brown stated that they did check on some signs based on complaints that were received and explained that all the complaints they received were based on setback concerns. He stated that he thinks road surface is adequate language and is easy for anyone to check.

Planning Director Darling stated that during the last election, the City had complaints in two different areas of the City where signs were placed so close to the road and in such number that the callers were frustrated by having an overwhelming amount of signs right up to the street. She explained that in previous years the complaints were, in general, about too much signage and noted that what the City can enforce, is setbacks.

Councilmember Johnson stated that he did not see any regulations for overall non-commercial speech signs size. Planning Director Darling explained that during the election period, the City is not allowed to regulate the size of signs or the number of signs. Mayor Labadie suggested that the Council take a look at defining the edge of the road and determine how far back they would like to go.

Councilmember Callies stated that based on the discussion, she feels the Council has consensus to have signs be allowed five feet from the edge of pavement. Public Works Director Brown noted

that the City has three gravel roadways so there may need to be some provision made for those. He stated that if the roadway is unimproved then it would be from the edge of the aggregate surface. Councilmember Callies stated that she believes the Council also had consensus on allowing one-hundred days for other types of elections, such as school board.

Councilmember Siakel noted that she sees Mr. Yelsey's hand raised and stated that this may be a good time to allow public input. Alan Yelsey, 26335 Peach Circle, stated that he agrees with most of the statements made by Councilmember Callies. He stated that he feels the five foot setback and allowing one-hundred days for elections other than the State mandated ones makes sense, although he would prefer a three foot setback. He stated that he does not like the substitution clause and does not feel it is stated clearly. He stated that the Council has not yet addressed the concern that caused many citizens to be unhappy which was what happens to signs outside of the election period. He stated that there is no language that clearly says you can put up any kind of signs that you want, in your lawn, with minimal or no restrictions. He stated that he feels this is free speech and would suggest that there be language that says for non-commercial signs, outside of the election period, here is what you are able to do. He stated that he believes it is illegal for the City to call out holiday signs or illumination of holiday signs and would ask that they be treated as any other non-commercial signage and not to restrict it in any significant way because that is also free speech. He reiterated that the substitution clause as it is, is unfathomable and would encourage the City to create simple language. He stated that he has raised the issue of right-of-way several times and it is still there because the City actually prohibits signs in the right-of-way. He stated that the City allows mailboxes and plantings, but does not allow signs and suggested that language also be corrected and make it clear that people can put up signs in the right-of-way with a setback. He stated that theft has also been an issue with signs and explained that he would love to see a clause that addresses that issue and makes it a misdemeanor in the City. He stated that the City may also want to limit hate speech.

Mayor Labadie asked City Attorney Shepherd or Planning Director Darling to address Mr. Yelsey's comments on right-of-way, hate speech, theft, holiday signs, and the three foot setback.

Planning Director Darling explained that, in general, staff would want to preserve the right-of-way for the purpose it was created for, which would be things like drainage projects and allow no private improvements. She noted that mailboxes have to be allowed in order to allow for mail delivery. She stated that improvements in the right-of-way require permits but signs are generally not something the City would issue permits for.

Councilmember Callies stated that it appears as though non-commercial speech signs are allowed in the right-of-way as permitted, which seems to address Mr. Yelsey's concern. Planning Director Darling explained that staff wrote this section to allow them during the election period, but not at any other time. City Attorney Shepherd stated that Council may want to make a distinction between non-commercial speech signs during the election period versus others.

Mr. Yelsey stated there is encroachment and right-of-way language included in the Code that says you cannot do what Councilmember Callies just stated can be done. He stated that the language conflicts and is confusing because it says nothing can be put into a right-of-way other than a mailbox and landscaping. He stated that most people do not know how large the right-of-way is on their property from the roadway.

City Attorney Shepherd stated that staff can look at other language that is purported to be conflicting with the right-of-way provision in the sign ordinance because the City does not want

people to be confused about the restrictions or lack thereof. He stated that to address Mr. Yelsey's comment related to hate speech, that would be considered a content based restriction. He stated that tonight's discussion certainly addresses the election related provisions of the sign ordinance but as he noted earlier, there are other provisions of the sign ordinance that need amendment. He stated that the substitution clause is sort of a preservation clause that is recommended by the League of Minnesota Cities and preserves the ability of the residents to have non-commercial signs when there is otherwise conflicting regulations in the Code. He explained that he thinks it is important to have in the Code, but noted that staff could take a look at 'wordsmithing' it a bit to make it a bit more clear.

Mayor Labadie asked about the issue related to theft of signs. City Attorney Shepherd stated that he thinks theft of signs can be prosecuted as any other theft under State law. He stated that theft is not called out in the Code, but does not think it needs to be in order for it to be prosecuted. Public Works Director Brown noted that the City has had incidents of theft that the SLMPD has been involved in and noted that he believes that they were prosecuted as a misdemeanor.

Mr. Yelsey explained that he has had many signs stolen and noted that the owner of the sign is often the political party and sometimes it is the property owner. He stated that it would be nice to have a clause in the Code that clearly states it is a misdemeanor just to help preclude people from doing that. Councilmember Siakel noted that most people who are stealing signs are most likely not reading City Code. She stated that it will go back to going to the police department and filing a complaint.

Mr. Yelsey explained that many times it is kids doing the stealing and feels their parents need to know that this is a serious crime and not just fun and games like taking a pumpkin at Halloween.

Guy Sanschagrin, 27725 Island View Road, stated that he would like to touch on theft and vandalism of signs. He explained that he had many signs stolen and vandalized during the last election. He stated that he feels it is not just the 'law' but also what is done to communicate, enforce, and encourage people to follow the law. He stated that he is challenged by complaint based enforcement. He also gave the example of the Birch Bluff area and noted that he did not think any of those properties would be able to have signs on them because the hedges are right along the roadway even with a five foot rule. He stated that he feels Shorewood can do better than it did during the last election. He stated that it should not just be about enforcement and the law but should be about everyone coming together as a community to have a fair and just election.

Councilmember Siakel stated that anybody who has run for office has had some situation where a sign has disappeared and does not think that is unique to one candidate or one election. She stated that she would encourage people that want things to change, to start with themselves.

Mayor Labadie asked Councilmember Siakel to comment on the comment made regarding hedges in the Birch Bluff area. Councilmember Siakel stated that she feels the comment made by Mr. Sanschagrin is probably accurate, which is one of the reasons that she suggested five feet from the roadway. She explained that ten feet would make it very difficult for anybody on Birch Bluff and many other streets within the City. She noted that Mr. Yelsey brought up some points that probably should be discussed and suggested that the Council divide this topic and just focus on campaign signs tonight and cover the other points at a later time.

Councilmember Callies stated that she agreed that there should be two discussions and that tonight can focus on the campaign signs in order for that to be completed prior to the election.

She stated that the Council can then deal with the other items that need to be updated at a later date.

Councilmember Gorham stated that the misdemeanor language does not feel to him like it belongs in City Code because it is not within their control of how it is enforced. He suggested that perhaps it is something that is noted in the Shore Report or the newsletter that theft activity is discouraged. Mayor Labadie stated that she also felt a letter in the Sun Sailor and/or on the Shore Report would be a good idea to remind people that vandalism and theft of signs is a punishable offense. She stated that she feels this may be a more appropriate route than modifying the actual Code language. She asked about the timeline for making these changes.

Planning Director Darling stated that she feels that there will be enough time to make these changes prior to the election season, if the public hearing is held in April.

3. ADJOURN

Siakel moved, Johnson seconded, Adjourning the City Council Work Session Meeting of February 14, 2022, at 6:58 P.M.

Roll Call Vote: Siakel, Callies, Johnson, Gorham, and Labadie voted aye. **Motion passed 5/0.**

ATTEST:

Jennifer Labadie, Mayor

Sandie Thone, City Clerk

Marie Darling

From: Alan Yelsey <a.yelsey@gmail.com>
Sent: Sunday, April 3, 2022 1:59 PM
To: Dustin Maddy; Ken Huskins; Marc Riedel; cholken@ci.shorewood.mn.us; Todd Eggenberger; Marie Darling
Subject: Shorewood Sign Ordinance

Hi Planning Commission Members:

I believe on Tuesday you will be considering on your agenda the issue of signs again. I believe with certainty that if any of you wish to discuss the issue of signs with me, a member of the public, you are encouraged to do so, and speaking individually with a member of the public is not a violation of Minnesota open meetings laws. It is part of your role as representatives.

However, not enabling me to fully participate in your Tuesday hearing with Zoom is a violation of Minnesota Human Rights Laws. I have asked for Zoom as a disability accommodation and the City has received and accepted my request. Since I am not sure if my electronic participation will be disallowed, which is illegal, I am sending this short email containing many but not all of my thoughts. There are about 400 residents of Shorewood with various disabilities that make the Zoom accommodation necessary if they are to physically or safely participate in public hearings.

SIGNS

I agree with a 5 foot setback and I praise and acknowledge Commissioner Eggenberger for his willingness to modify his original opinion.

I agree with the designation of non-commercial signs and the 100 days prior and 10 days following (this includes 46 days before primary) signage language that is completely consistent with State Election Law. **THE LANGUAGE SHOULD INCLUDE BOTH "SIGNS OF ANY KIND MAY BE POSTED IN ANY NUMBER OR SIZE DURING THE ELECTION PERIOD". The State requires no limit on size during the election period.**

BUT, THERE REMAIN A FEW MAJOR PROBLEMS THAT WILL NOT RESOLVE THEMSELVES WITHOUT YOUR HELP.

Problem 1) We all see that residents post on their property signs of all kinds: commercial, non-commercial, political, celebratory, holiday, religious celebration, school activity driven etc. throughout the year. These signs are approved by the homeowners and are in yards throughout the year. Most residents have absolutely no problem with these signs as forms of expression protected by free speech. IF THE CITY SIMPLY ADOPTS THE STATE MANDATED TIME PERIOD OF UNRESTRICTED NON-COMMERCIAL SIGNS DURING THE PROTECTED ELECTION PERIOD, IT IGNORES THE RIGHT OF CITIZENS TO SMALL UNRESTRICTED NON-COMMERCIAL (AND COMMERCIAL) SIGNS OUTSIDE OF THE PROTECTED ELECTION PERIOD, AND THAT WILL SIMPLY NOT BE ACCEPTABLE OR CONSTITUTIONAL. RESIDENTS PLACE HUNDREDS OF NON-COMMERCIAL AND COMMERCIAL SIGNS ON THEIR LAWNS OUTSIDE OF THE PROTECTED ELECTION PERIOD. WE WILL NOT ACCEPT ANY LANGUAGE THAT IGNORES OR RESTRICTS SMALL SIGNS THROUGHOUT THE YEAR. IT IS UNCONSTITUTIONAL AND UNNECESSARY TO SPECIFICALLY ADDRESS HOLIDAY SIGNS

There is no legitimate reason for the City to prohibit any "small sign" approved by the owner within the setback limit. This is already the DEFACTO practice throughout the City and it was without issue until the City decided there is an issue when no one else believes there is an issue. Period. Commercial or non-commercial, Illuminated or not illuminated. Religious or non-religious. However, because of State mandate, we can agree that "candidate or political party campaign signs" follow the state law BUT need not be allowed throughout the year since most residents do not wish to have campaign signs visible throughout the year for various reasons and restricting those signs has not been successfully challenged constitutionally. So, the only exception to leaving people free to do what they wish with small signs of all kinds on their own property is to exclude campaign/political party signs except during the State protected period and

the 5 foot setback. No need for the incoherent and highly restrictive substitution clause. Free speech should be embraced and supported by the City.

Problem 2) As I have presented to the City 3 times, the current City code says NO SIGNS or anything else but mailboxes and planting may be placed in the City right of way. The code says one must seek and pay for a permit to place something else in the right of way. As you know, the right of way generally extends beyond 10 feet from a roadway edge (sometimes well beyond 10 feet) and residents do not know or understand the right of way metrics in front of their homes. SO, PUTTING A SIGN WITHIN 5 FEET OF A ROADWAY IS TECHNICALLY ILLEGAL IN SHOREWOOD WITHOUT A PAID PERMIT. A SIMPLE MODIFICATION SHOULD ADD THAT SMALL EASILY REMOVABLE SIGNS OF ANY KIND MAY BE PLACED IN A PROPERTY RIGHT OF WAY BEYOND 5 FEET FROM THE ROADWAY AND MAY NEED TO BE MOVED OR REMOVED WHEN THE CITY HAS WORK THAT NEEDS TO ACCESS THE RIGHT OF WAY OR NEEDS TO CLAIM THAT PORTION OF RIGHT OF WAY FOR UTILITIES.

Commercially zoned property should also be allowed to place small signs (commercial or non-commercial) during the protected election period and also during the year. Many already do this!

I am trying to think this through as simply and effectively as possible. Let people express themselves through all kinds of small signs outside of the protected election period. WE ALREADY DO AND WILL NOT ACCEPT UNNECESSARY ARTIFICIAL AND NON-DEMOCRATIC RESTRICTIONS ON FREE SPEECH.

I hope you will agree and am happy to discuss this with any of you individually. I plan to try to use Zoom which is my legal right during the Tuesday public hearing. I hope to be able to offer my comments then.

Thank you.

--

Alan

Alan Yelsey
26335 Peach Circle, Shorewood MN 55331
612.616.5430 cell
a.yelsey@gmail.com

Marie Darling

From: Sandie Thone
Sent: Friday, April 8, 2022 1:37 PM
To: Marie Darling
Subject: FW: Violations of State Law

FYI

From: Alan Yelsey <a.yelsey@gmail.com>
Sent: Friday, April 8, 2022 11:20 AM
To: Sandie Thone <SThone@ci.shorewood.mn.us>; Greg Lerud <GLerud@ci.shorewood.mn.us>; Debbie Siakel <DSiakel@ci.shorewood.mn.us>; Patrick Johnson <PJohnson@ci.shorewood.mn.us>; Paula Callies <pcallies@ci.shorewood.mn.us>; Nathaniel Gorham <NGorham@ci.shorewood.mn.us>; Jennifer Labadie <JLabadie@ci.shorewood.mn.us>
Subject: Violations of State Law

I am astounded by your continuous blatant disregard for Minnesota Law. Each and every violation will be brought to the attention of the State and its courts and the media.

1) You deliberately violated State Human Rights Laws by refusing my request and right for disability accommodation through fully participative Zoom technology at the Planning Commission public meeting held on April 5, 2022 and the City Council special meeting held on April 5, 2022. You will be charged with these and other similar violations, which harm not just me but many other people who would benefit from Zoom accommodation.

2) You deliberately violated various Constitutional Provisions and State Laws by refusing to do the following:

STATE LAW SAYS:

"All noncommercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until ten days following the state general election. Municipal ordinances may regulate the size and number of noncommercial signs at other times."

The City of Shorewood has refused to include the required language stating there is NO restriction on the size of signs during the protected election periods. Your language is illegal and does not fully and legally communicate the state mandate. You must include the exact language from the State ordinance which includes size without restriction during the protected period.

It is illegal and discriminatory to call out specifically and limit holiday signs. Holiday signs are constitutionally protected and may contain religious content or intent that may not be restricted or treated differently than other non-commercial signs. Further, many residents prefer to place holiday lights and objects on their property for timeframes well beyond 30 days. That is their right.

You use the terms "public signs" and "temporary signs" without defining them and without distinguishing them from other public signs or temporary signs. Under general provisions, the language does not distinguish ordinances in this section from ordinances in other sections directed toward residential

properties. YOU AGAIN BAN NON-COMMERCIAL SIGNS (depending on the meaning of "public signs" OUTSIDE OF THE PROTECTED ELECTION PERIOD WHICH IS ILLEGAL, UNCONSTITUTIONAL AND WILL PROVOKE OUTRAGE WITHIN THE CITY (see, general provisions, 4). FURTHER, (general provision 5a) says "THE TEMPORARY USE OF SIGNS SHALL REQUIRE A PERMIT". That language is clearly in conflict with other language and will provoke outrage when read by the public.

Your sign ordinance language does favor commercial over non-commercial speech, which is unconstitutional, and can be easily be corrected not with the absurd substitution clause but by allowing small temporary commercial signs to be placed by homeowners on their property along with non-commercial signs. Residents place hundreds of commercial signs on their property today without incident.

Finally, you refuse to alter the language in City code that says NOTHING but mailboxes and plantings may be placed without the Right Of Way, when clearly the 5 foot sign distance from roads permits residents to place signs in the right of way, if they even knew where their right of way was.

3) Unless you pause the Smithtown Ponds Project and allow us to hire at your expense a 3rd party consultant during your April 25, 2022 Council Meeting, you will be immediately charged with fraud and malfeasance since there is no environmental, scientific or reasonable justification for the scope, cost and over-engineering.

Alan

Alan Yelsey

612.616.5430 cell

a.yelsey@gmail.com

26335 Peach Circle, Shorewood, MN

Marie Darling

From: Sandie Thone
Sent: Friday, April 8, 2022 1:34 PM
To: Marie Darling; Jason Carlson
Subject: FW: Proposed sign ordinance

FYI

From: Craig Parsons <craigaparsons@hotmail.com>
Sent: Friday, April 8, 2022 12:32 PM
To: Sandie Thone <SThone@ci.shorewood.mn.us>
Subject: Proposed sign ordinance

Sandie:

I have reviewed the proposed sign ordinance and my initial reaction is that this appears to be a lot of wasted effort for what I perceive to be a non-problem. To be honest I can't tell in reading this if a "noncommercial speech" sign is allowed outside of the election periods described. I see no reason to limit these signs at all for any reason so I oppose this ordinance of that's its intent.

Thanks.

Craig Parsons
26540 W 62nd

Marie Darling

From: Sandie Thone
Sent: Wednesday, April 13, 2022 8:53 AM
To: Marie Darling; Jason Carlson
Subject: FW: Question about the proposed sign ordinance

Just an FYI.

Have a great day!

Sandie

From: Ashley Shelby <bookofmoons@gmail.com>
Sent: Tuesday, April 12, 2022 6:28 PM
To: Sandie Thone <SThone@ci.shorewood.mn.us>
Subject: Re: Question about the proposed sign ordinance

Hi Sandie,
Thank you so much for clarifying! This helps a lot!
Cheers,
Ashley

On Tue, Apr 12, 2022 at 12:53 PM Sandie Thone <SThone@ci.shorewood.mn.us> wrote:

Hi Ashley,

No it is confusing – I am with you. So the Subdivision (13) Substitution Clause in the Ordinance allows for those types of signs (Sports team player or Graduate signs, etc.) to be put into your yard.

I hope that helps!

Have a great day!

Sandie

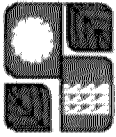
Sandie Thone *MHRM, MCMC*

City Clerk/Human Resources Director

CITY OF SHOREWOOD

952.960.7911

sthone@ci.shorewood.mn.us



From: Ashley Shelby <bookofmoons@gmail.com>
Sent: Tuesday, April 12, 2022 12:24 PM
To: Sandie Thone <SThone@ci.shorewood.mn.us>
Subject: Question about the proposed sign ordinance

Hi Sandie,

I just read through the proposed ordinance regarding signs and had a quick question. I'm a little confused about the restrictions on the non-commercial signs. It seems like signs such as those handed out by Minnetonka High School sports teams to their varsity players, featuring the school logo, the sport, and the athlete's name, for families to put in their yards, are falling under the same umbrella as temporary non-commercial signs, such as campaign signs, which appear to have specific time restrictions. Would the signs for sports organizations that are not being displayed at public sports facilities (such as baseball fields) but are designed to be used by families be subject to the same time-frame restrictions as campaign signs? I'm assuming not but because I didn't identify anything specific singling out those kinds of signs, I was worried they were being swept up with the campaign sign restrictions. I just didn't see on first glance an exception for that kind of non-commercial sign, though I did read the section on sports signs in public areas.

Apologies if I'm reading this all wrong. I just wanted to touch base before submitting a comment and wasting everyone's time if I'm commenting on something that isn't actually an issue. Thanks!

Ashley Benites

25000 Yellowstone Trail

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www.ashleyshelby.com

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www.ashleyshelby.com

Marie Darling

From: Marie Darling
Sent: Friday, April 22, 2022 9:19 AM
To: Kara Widhalm
Subject: RE: Question on proposed Shorewood ordinance relating to signs

No, they are not subject to the time restrictions for election signage, but they will be subject to the five foot setback from property lines and any other restrictions on the signs that they replace.

Marie Darling

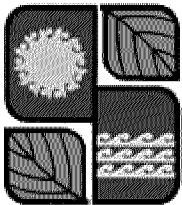
Planning Director

952-960-7912

mdarling@ci.shorewood.mn.us

*City of Shorewood
5755 Country Club Road
Shorewood, MN 55331*

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CITY OF
SHOREWOOD

www.ci.shorewood.mn.us

From: Kara Widhalm <ksflook@gmail.com>
Sent: Thursday, April 21, 2022 9:19 PM
To: Marie Darling <MDarling@ci.shorewood.mn.us>
Subject: Re: Question on proposed Shorewood ordinance relating to signs

Hello Ms. Darling,

Thank you for your reply and the updated information on this amendment. It is very helpful to understand the context of this amendment, including the need to update the ordinance to conform with the supreme court decision.

Will non-commercial signs that are unrelated to elections/campaigns still be subject to the timing restrictions listed in (1)(d)(i), which were time periods related to election days?

Thank you-- I really appreciate your help.
Kara

On Thu, Apr 21, 2022 at 9:57 AM Marie Darling <MDarling@ci.shorewood.mn.us> wrote:

Sorry for the delay in responding, I didn't get a copy of your email.

The campaign signs amendments are not scheduled to be discussed at the City Council meeting on April 25. They will be back at the Planning Commission on May 3 for public hearing and likely forwarded to the City Council on May 9. This is a small targeted amendment to specifically correct conflicting language within the current campaign sign regulations in Shorewood's code prior to the next election and to add a substitution clause to conform to a Supreme court decision a few years back.

Public, integral and holiday signs are defined in the zoning regulations (1201.02 of City Code). These definitions are not changing, so they aren't included in the ordinance amendments.

The definition of non-commercial speech is purposely broad to allow signs for many types of messages that are not commercial in nature, including high school graduation signs, dance signs, athletic association signs, positions on social issues, etc. Shorewood's current regulations do not specifically allow for noncommercial speech signs. A decision in a Supreme Court case a few years back requires all cities to allow non-commercial speech signs for any other allowed sign in a zoning district. The City is adding a substitution clause to conform to that ruling and allow anyone to put up a noncommercial speech sign in lieu of any other signs that are already allowed including, but not limited to, "owner occupant signs" or "holiday signs".

Holiday signs are not a proposed addition to the code, they are already specifically allowed. They are signs no greater than 32 square feet that are allowed to be placed for 30 days in recognition of any federal, state or local holiday.

A copy of your letter and my response will be forwarded to the Planning Commission and the City Council. Please let me know if you have any other questions.

Marie Darling

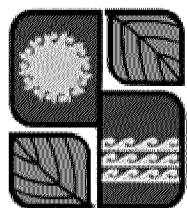
Planning Director

952-960-7912

mdarling@ci.shorewood.mn.us

City of Shorewood
5755 Country Club Road
Shorewood, MN 55331

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CITY OF
SHOREWOOD

www.ci.shorewood.mn.us

From: Kara Widhalm <ksflook@gmail.com>
Sent: Wednesday, April 20, 2022 6:59 PM
To: Planning <planning@ci.shorewood.mn.us>; Sandie Thone <SThone@ci.shorewood.mn.us>
Subject: Fwd: Question on proposed Shorewood ordinance relating to signs

Hello,

I never received an answer to my email below

Thank you,

Kara Widhalm

----- Forwarded message -----

From: **Kara Widhalm** <ksflook@gmail.com>
Date: Fri, Apr 8, 2022, 17:30

Subject: Question on proposed Shorewood ordinance relating to signs

To: <sthone@ci.shorewood.mn.us>

Dear Ms. Thone,

I reviewed the redlined ordinance regarding signs that is to be discussed at the April 25 City Council meeting and have a few questions:

1. "Public signs" and "integral signs" are not clearly defined in this ordinance; is there a definition available for these terms?
2. The definition of "noncommercial speech" signs appears to be broad enough to include signs expressing support for an idea, group (e.g. sports team) or individual not running for political office or related to elections. Is this correct?
3. Why would "noncommercial speech" signs that are unrelated to elections be subject to timing restrictions related to election events?
4. What constitutes a "holiday sign"?

Thank you for your time and your assistance.

Kara Widhalm

----- Forwarded message -----

From: **City of Shorewood** <jmoore@ci.shorewood.mn.us>

Date: Fri, Apr 8, 2022, 10:00

Subject: Shorewood ordinance relating to signs

To: <ksflook@gmail.com>

ORDINANCE 588

CITY OF SHOREWOOD
COUNTY OF HENNEPIN
STATE OF MINNESOTA

AN ORDINANCE APPROVING AN AMENDMENT TO
SHOREWOOD CITY CODE CHAPTER 1201 (ZONING REGULATIONS)
RELATED TO SIGNS

THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA, ORDAINS:

SECTION 1: AMENDMENT. That the Municipal Code of Shorewood, Minnesota, Chapter 1201 Section 1201.01 (Definitions), is hereby amended as set forth below by adding the underlined language and deleting the ~~strikethrough~~ language as follows:

1201.02 DEFINITIONS.

~~**SIGN – CAMPAIGN.** A temporary sign promoting the candidacy of a person running for a governmental office or promoting an issue to be voted on at a governmental election.~~

SIGN – COMMERCIAL SPEECH. A sign advertising a business, profession, commodity, service, or entertainment.

SIGN – NONCOMMERCIAL SPEECH. A sign that includes message that does not promote commercial products or services.

SECTION 2: AMENDMENT. That the Municipal Code of Shorewood, Minnesota, Chapter 1201, Section 1201.03 Subd. 11. (Signs), is hereby amended as set forth below by adding the underlined language and deleting the ~~strikethrough~~ language as follows:

Section 1201.03 Subd. 11 Signs.

b. *Permitted and prohibited signs.*

(1) *Permitted signs.* The following signs are allowed without a permit, but shall comply with all other applicable provisions of this chapter:

- (a) Public signs;
- (b) Address signs;
- (c) Integral signs;
- ~~(d) Every campaign sign must contain the name and address of persons responsible for the sign, and that person shall be responsible for its removal. Signs shall be permitted on each lot for a period of 100 days prior to and ten days after an election. All campaign signs or other noncommercial speech signs may be posted from 46 days before the state primary in a state general election year until ten days following the state general election, pursuant to M.S. § 211B.045. Signs posted both during and after this time period are subject to all other applicable requirements in this subdivision. At any time, the city shall have the right to remove signs that are prohibited under this subdivision, and assess a fee as provided from time to time by ordinance. Campaign signs or other noncommercial speech signs shall not be located closer than ten feet from any street surface, and shall not be placed in front of any property without the consent of the property owner;~~
- ~~(d) Temporary noncommercial speech signs, subject to the following:~~
 - ~~(i) Signs may be posted in any number or size during the following times:~~
 - ~~A. State general election years: 46 days before a state primary until ten days following the state general election pursuant to MS. § 211B.045.~~
 - ~~B. For all other public elections years: 100 days prior to the election until ten days following the election.~~
 - ~~(ii) During the time outlined in (d) (i), noncommercial speech signs shall not be located in violation of 1201.03 Subd. 2, h. (Traffic Visibility) of City Code or closer than five feet from the street, as measured from:~~
 - ~~A. The curb of a paved roadway.~~
 - ~~B. The paved street surface for those streets without curbs or shoulders.~~
 - ~~C. The edge of the aggregate surface for gravel streets or those paved streets with improved gravel shoulders.~~
- (e) Holiday signs, displayed for a period not to exceed 30 days and no larger than 32 square feet in area;
- (f) Construction signs. The signs shall be confined to the site of the construction, alteration or repair and shall be removed within two years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner as determined by the City Building Official or his or her agent. One sign shall be permitted for each major street the project abuts. No sign may exceed 50 square feet;
- (g) Real estate sale or rental signs. Signs must be removed within 14 days after sale or rental of property. Signs may not measure more than six square feet in Residential Districts, nor more than 20 square feet in all other districts. There shall be only one sign per premises. Corner properties, however, may contain two signs, one per frontage. Lakeshore lots may contain two signs, one in the

- front and one facing the lake;
- (h) Informational/directional signs shall not be larger than three square feet and shall conform to the location provisions of the specific district;
 - (i) Owner-occupant signs. One residential name sign, not to exceed two square feet in area, identifying only the name of the owner or occupant of a residential building.

c. *General provisions.*

- (1) All signs shall comply with the Minnesota State Building Code as may be amended.
- (2) When electrical signs are installed, the installation shall be subject to the State Building Code as may be amended.

(3) No portion of any sign shall be located within five feet of any property line, except as permitted in b. (1) (d) of this subdivision.

(3)(4) No signs other than governmental—public signs and political—campaign noncommercial speech signs as provided in b.(1)(d) of this subdivision, shall be erected or temporarily placed within any street-right-of-way, or upon public lands, or easements or rights-of-way. Any unauthorized signs located in public right-of-way or on public property shall be considered abandoned and are subject to immediate removal and disposal without notice.

(4)(5) *Temporary signs.*

- (a) The temporary use of signs, searchlights, banners, pennants and similar devices shall require a permit. The permit shall be valid for ten consecutive days. The permit shall be prominently displayed during the period of validity. Only two temporary permits may be granted for any property within any 12-month period. Temporary signs shall not exceed 32 square feet in area. Any new business that has applied for its permanent business sign may, at the same time, apply for a temporary business sign to be displayed for no longer than 30 days, or until the permanent sign has been erected, whichever comes first. The temporary business sign shall be professionally prepared and shall be no larger than the approved permanent sign.
- (b) A conditional use permit may be granted to nonprofit athletic associations, contracted with the city pursuant to Section 902.06 of this code, for the display of temporary business sponsorship signs to be placed on certain ball field fences on public property, provided that:
 - (i) A nonprofit athletic association under contract with the City may display signs only on facilities that have been reserved for its use;
 - (ii) Signs may be displayed only in a community park, as defined in the Shorewood Comprehensive Plan;
 - (iii) Signs may be displayed only on outfield fences, facing into the ball field, and situated so as to minimize view of the signs from adjacent residential properties;

- (iv) All signs must be professionally made, using durable weather resistant material, painted or colored dark green on the back side of the sign;
- (v) Signs are limited in size to no larger than 42 inches in height and seven feet in length;
- (vi) There shall be a minimum spacing between signs of seven feet;
- (vii) The maximum number of signs per ball field is 15;
- (viii) The nonprofit athletic association is responsible for maintaining the signs in good repair. If a sign become detached, torn, or vandalized, the association must repair or replace them immediately or the sign will be summarily removed by the city;
- (ix) The nonprofit athletic association is responsible for any damage to the fence on which it is displayed that is caused by installation or display of the sign;
- (x) The conditional use permit is subject to review and recommendation by the Shorewood Park Commission;
- (xi) The nonprofit athletic association must obtain an annual license from the city and enter into a license agreement setting forth the conditions of approval and the duration of the approval. The association shall pay an annual license fee as established by the City Council from time to time. The association shall have no vested right in obtaining licenses from season to season; and
- (xii) It shall be the responsibility of the nonprofit athletic association to obtain a temporary sign permit for each sign to be displayed on ball field fences, prior to erecting the sign.

(~~56~~) No sign or sign structure shall protrude over a public right-of-way, except as permitted in b. (1) (d) of this subdivision.

(~~67~~) All signs which require a permit shall display, in a conspicuous manner, the owner's name, permit number and date the sign was erected.

(~~78~~) All height restrictions on signs shall include height of sign structure and be measured from lot grade.

(~~89~~) In the case of a two-faced, freestanding sign, where the two faces of the sign are parallel and face in opposite directions, only one face shall be used in computing the allowable area of the sign.

(~~910~~) Any sign now or hereafter existing which no longer advertises or identifies a business conducted, service rendered or product sold on the premises shall be removed by the owner, agent or person having the beneficial use or control of the building or structure upon which the sign may be found within 60 days from the date of vacancy.

(~~1011~~) The regulations contained herein shall not apply to traffic signs or the flag, separate emblem, or insignia of a nation, political unit, school or religious group, or integral signs. There shall be no more than one United States flag and no more than three other non-commercial flags. Nor shall these regulations pertain to a sign inside a building, provided the sign is at least three feet in back of the inside of the exterior wall and is readable from the inside of the building.

(~~112~~) All signs requiring a permit from the city shall be subject to review and approval by the Zoning Administrator.

(13) Substitution Clause. The owner of any sign which is otherwise allowed by this article may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon publication in the City's official newspaper.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD, MINNESOTA this 9th day of May, 2022.

JENNIFER LABADIE, MAYOR

ATTEST:

SANDIE THONE, CITY CLERK



CITY OF
SHOREWOOD

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MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Marie Darling, Planning Director

MEETING DATE: May 3, 2022

REQUEST: Pre-Application Sketch Plan Review

APPLICANT: Lifestyle Communities

LOCATION: 24250 Smithtown Road (Shorewood) and 24320 Smithtown Road (Tonka Bay)

LAND USE CLASSIFICATION: Medium Density Residential (Shorewood Parcel Only)

ZONING: R-2A (Single/Two-Family) (Shorewood Parcel Only)

FILE NUMBER: 22.03

REQUEST:

A pre-application sketch is a process to allow the Planning Commission and the City Council to comment informally (non-binding) on a development prior to the submission of an application for subdivision or comprehensive plan amendment. It allows the applicant the ability to make decisions regarding potential applications without incurring the costs of a full submission.



The applicant proposes to construct a cooperatively owned, multiple-family building on this 2.58-acre parcel. The proposal is complex and would involve policy decisions by both the City Councils for Shorewood and Tonka Bay. The City of Tonka Bay will have a separate introductory meeting and it is likely that joint meetings between the two councils would be necessary to formulate solutions to policy issues if the development progresses to applications.

There is no public notice required by the zoning or subdivision regulations for a sketch review. However, staff did include notice of the application under “Active Applications” on the website with the likely dates the proposal would be discussed at both Planning Commission and City Council.

Context:

The parcels that make up the subject site straddle the boundary between Shorewood and Tonka Bay.

The Shorewood parcel is developed with a single-family home and the Tonka Bay parcel is developed with a retail chocolate shop. A shopping center occupies the adjacent parcel to the west within Tonka Bay. In Shorewood, the property to the north is the Shorewood public works facility. The public safety building (housing SLMPD and EFD) lies to the east (within Shorewood). To the south across Smithtown Road is a variety of commercial uses within Shorewood.

The Shorewood property has numerous mature trees and about 18 feet of elevation change. The lowest point of grade is near the southeast corner of the site and the center is the highest point. There are no known wetlands or floodplain on the property and the site is not within a shoreland management overlay district.

PROPOSAL:

The proposal is for a multiple-family building that is laid out in a “Y” shape with the shortest wing of the building closest to Smithtown Road (three stories) and the northerly two legs would be taller (four stories). The total number of dwellings proposed is 56 units, with a variety of one- and two-bedroom dwellings. The applicant would provide interior underbuilding parking and surface parking.

Below is a quick summary of some of the “big-picture” issues with the proposal, discretionary and policy issues outlined in bold.

Use (Discretionary Issue): The Comprehensive Plan indicates that the City plans to provide sufficient housing types, sizes and values to meet the needs of varying segments of the population. It also recommends that the City encourage housing types that are designed to appeal to senior citizens to allow existing residents to downsize and remain in the City of Shorewood. The City Council can determine whether or not this type of project is the type they are looking for to fill that niche.

Density: The cooperative is currently proposed to have 56 dwellings, which is about 22 units per acre. The Shorewood property is guided for a maximum of eight units per acre, which would allow for a maximum of 20 units on the property. **Discretionary Issue:** The applicant would need to apply for a Comprehensive Plan Amendment to allow for the additional density.

Property line/City Boundary: As shown, the building would not only straddle a property line, but that property line is the boundary between Shorewood and Tonka Bay. Constructing a building over property lines increases the complexity of construction by eliminating connections and openings between building wings. Consequently, the properties should be consolidated or combined together by plat, and the two cities would need to decide in which city the development would be located.

Discretionary Issue: Moving city boundaries requires a comprehensive plan amendment. **Policy Issues for the City Councils:** A decision would need to be made regarding which city would gain the full parcel. Agreements would need to be put in place to determine costs and revenue sharing, utility services, permits and inspection jurisdictions, and etc.

Rezoning: The closest zoning district that matches this type of use is the R-3B district. That district would require a maximum of 3,500 square feet per dwelling, which would mean the applicant would need about 4.5 acres for this use. Additionally, the maximum height in the R-3B district is 40 feet, which the applicant is unlikely to meet with a four-story building and underground parking access.

Discretionary Issue: The applicant would likely need a Planned Unit Development in order to propose the density that they would like to provide.

Utilities: Tonka Bay and Shorewood both have water mains in the vicinity of the building. Shorewood's main is on the south side of Smithtown and could be extended north to serve the development. Shorewood's water pressure is higher, which may be necessary for a building of this size.

There is a Metropolitan Council sewer main on the south side of County Road 19. The applicant could install an 8-inch public sewer main from their property to the private drive and across the street to connect to the Met Council sewer main. **Policy Issues for the City Councils:** The City Councils would need to decide which city would serve the new development.

Traffic: The applicant has provided some traffic information that shows that the dwellings that they build and the residents they attract are low traffic generators, about 3.24 trips per dwelling (about 182 trips per day for a 56-unit building). The table to the right includes other residential uses for comparison. All numbers shown in the table are from the most recent Institute for Traffic Engineers (ITE) Trip Generation Manual.

Use	Daily Trips per Dwelling
Senior Multiple-Family (proposed)	3.24
Senior Single-Family Houses	4.31
Low-Rise Apartments	6.74
Townhouses	7.2
Single-Family Houses	9.43

Discretionary Issue: While the senior cooperative would likely produce fewer trips than other types of residential uses, staff recommend the applicant provide a traffic study with any comprehensive plan amendment application to verify the impact on the area's intersections.

Access: At present, the developer is showing two access points, the westerly access is from the Tonka Bay shopping center's private drive and the easterly accesses the Shorewood public works' building driveway. The applicant would need to provide documentation that they have easement, covenants, or by other agreement have rights to the westerly access. The easterly access, being a private driveway, would require a shared access agreement and/or covenant for maintenance. **Policy Issue:** The Shorewood City Council would need to approve an agreement and/or covenants to share costs to maintain the driveway.

Parking: The applicant proposes 111 parking spaces for vehicles (garage and surface parking), where the zoning regulations would require 112. The applicant would likely be able to redesign their parking layout to add the one additional parking space that would be required. The applicant also shows that they would have areas for bicycle storage, which would be very appropriate for this location which is close to the Lake Minnetonka LRT Regional Trail.

Stormwater: Due to the size of the project, the applicant would be required to provide treatment of storm water run-off as well as volume and rate control. Full details on the storm water plan are required to be provided with any formal application and the applicant's proposal must be consistent with City and Minnehaha Creek Watershed District regulations. Providing stormwater features could impact the site plan if the applicant uses ponds, infiltration basins, etc.

FUTURE STEPS:

Should the applicant come forward with an application, they would need the following approvals:

- A comprehensive plan amendment to adjust the boundary between the two cities and to allow greater density.

- A rezoning to PUD to allow a multiple-family dwelling based on the R-3B district.
- A PUD application with potential flexibility for lot area, height, import/export of material (if needed), etc. with a development agreement.
- A plat (if needed).

Some of the above applications may be submitted together.

ATTACHMENTS

Location Map

Applicant's Narrative

Location Map
24250 and 24320 Smithtown Road



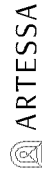
Who is Artesa?

Artesa Development & Lifestyle Communities

- Artesa Development is the developer of the proposed Artesa Mississippi Landing cooperative within the Mississippi Landing neighborhood.
 - www.artessaliving.com
- An affiliate of Lifestyle Communities, who's leadership team has been involved in the development of cooperative housing in the Twin Cities since 1990.
 - www.thislifestyle.com

Other Notable Cooperative Brands

- Zvago
- Summerhill
- Gramercy Club
- Gramercy Park



Learn About Artesa Cooperatives

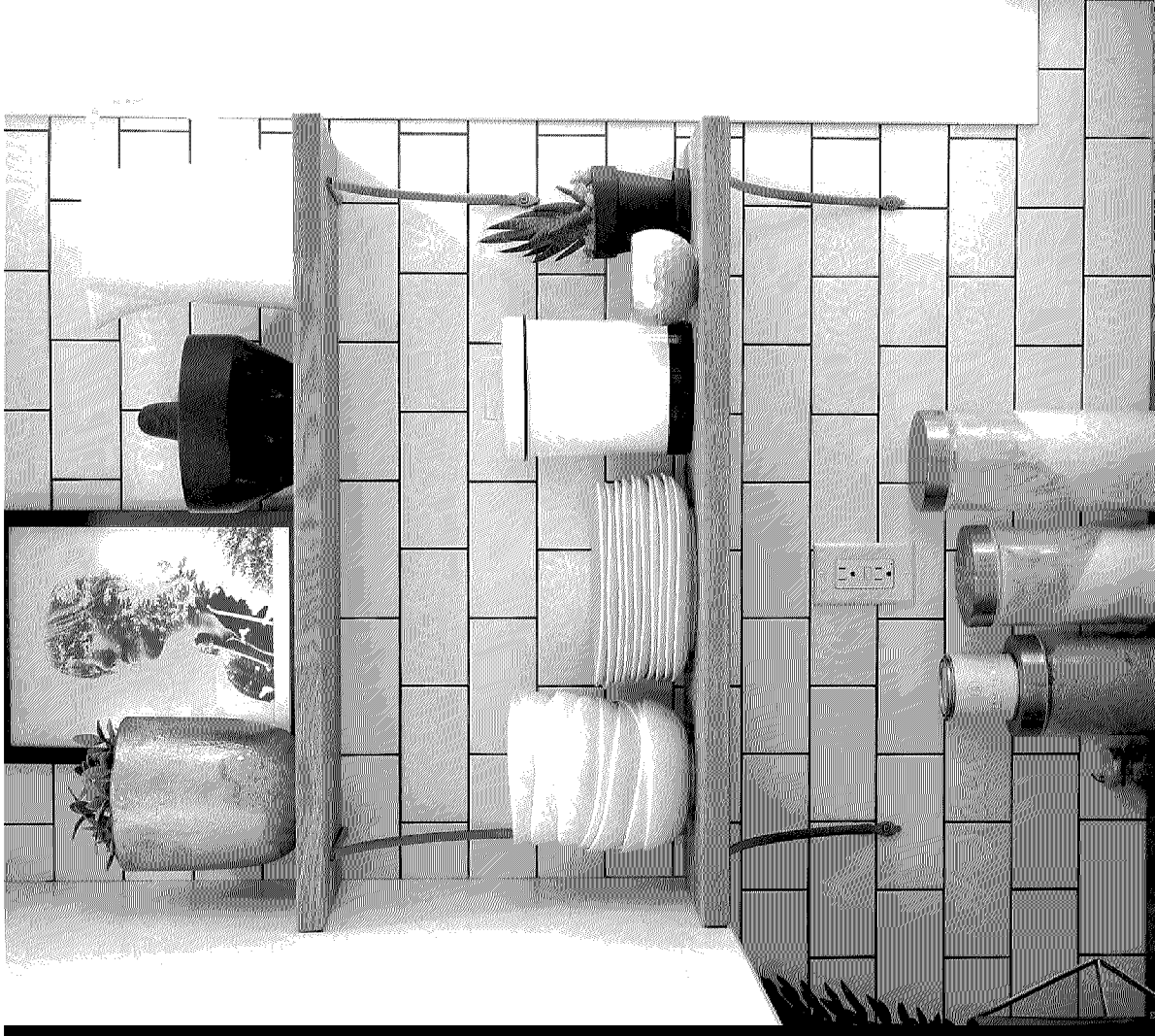
What is a Cooperative?

- A cooperative is a form of owner-occupied housing
- Unlike a condominium, a cooperative has 1 master mortgage – each owner is a shareholder to that master mortgage through the cooperative corporation
- Each share has a value equal to both the private residence (unit) the shareholder has exclusive rights to + equal share of all common areas + equal share of the property

- The cooperative model, by design, focuses on the community of people formed by the collection of shareholders rather than being a group of owners focused on what's behind the door to their Unit 101
- The amount of common space available to cooperative owners is roughly double what would be provided in a condominium
- A shareholder (could be a couple) must have at least one individual that is 62 or better
- A limited equity cooperative – ease of entry + ease of exit (financially)
- Replacement Reserves for Homes & Common Area Amenity Refreshes



- Principally, buyers looking at any specific cooperative location tend to come from the city or surrounding neighborhood where the cooperative is located
- Generally speaking, the price point of this product appeals to a buyer profile that is selling a home in a community in which they intend to stay
- Our first resident(s) to move out of the cooperative doesn't historically happen for 8 – 12 years
- Strategically located in walkable neighborhoods where goods and services are within a 5 minute walk or 2 minute drive





TONKAWOOD COOPERATIVE

RE: APPLICATION TO THE CITIES OF
SHOREWOOD AND TONKA BAY
RELATED TO:

- Sketch Plan Review related to a concept for a Cooperative to be developed on 24320 & 24250 Smithtown Road

APPLICANT INFORMATION

Full Name: **Lifestyle Communities** [Ben Landhauser, Executive Vice President]
Daytime Phone: **612.875.1618**
Email Address: **ben@thislifestyle.com**
Street Address: **4938 Lincoln Drive**
City, State, Zip: **Edina, MN 55436**

Lifestyle Communities has upended the typical approach to multifamily living by redefining what it means to come home. Coming home, to us, is no longer about arriving at "Unit 101," but instead is achieved when you step foot inside the front door of the building or drive into your shared parking garage. Amenity spaces, intentionally situated in each community we build, allow for your lifestyle to reach beyond the private residence space you occupy. These amenity spaces are designed for social gatherings and to reflect the collective mindset our cooperative members have about living in community with one another.

From concept to completion, we have a hands-on approach to all parts of the development process. We attempt to put ourselves in the shoes of each member and place experiential outcomes at the top-of-mind as we establish development objectives. These unique elements are only available and experienced by our members if each and every detail is thoughtfully accounted for. We believe this is why the people we serve live better in our communities than they could anywhere else.

Find out more about our unique cooperative communities at: www.artessaliving.com or www.zvagoliving.com

PROJECT NARRATIVE

The conceptual site plan identifies an active adult cooperative (62+ years of age) placed across the jurisdictional line between the City of Tonka Bay and the City of Shorewood. The building, as contemplated in a "Y" shape, is proposed to be 3 stories in height at the base of the "Y" which is closest to Smithtown Road. A step back from Smithtown Road to 4 stories within the back wings of the "Y" is also contemplated to achieve adequate size of the overall cooperative community in a

contextually sensitive approach similar to the adjacent Carrick at Tonka Bay development which steps from 3 stories to 4 stories as is get further away from Manitou Road.

The cooperative has an age qualification requirement that entails at least one owner of every home in the building to be 62 years of age or older. Similar to other Artesa Cooperatives, the building is proposed with extensive common area amenities (approximately 6,500+/- sf) that enable our owners to have access to more daily living space and community connection opportunities within the cooperative. The cooperative amenity areas include:

- **Great Room:** A large gathering and hosting space with full kitchen, pantry and a variety of seating spaces designed for both large and small groups to get together.
- **Entertainment Suite:** This entertainment suite is the perfect place to get together and watch a movie, play cards or a game on the brand-new shuffleboard table. Your grand kids won't stop talking about how fun it is to go visit grandma and grandpa once they see all that the entertainment suite has to offer – including an arcade game table.
- **Wellness Studio** Whether your daily routine involves a workout, yoga or meditation, the Wellness Studio provides an escape for you to keep that routine in check or get a chance to start a whole new one involving state of the art equipment and multi-purpose flooring selected specifically for the Zvago GV Club community.
- **Business Center:** The business center provides working owners a space to take meetings and all the office amenities similarly found in a co-working space.
- **Guest Suite:** These guest quarters allow you to host additional friends or family in your home without having to upsize your unit in the process. Each guest suite reflects the same characteristics you'd find in a king bed hotel suite.
- **Makerspace:** Looking for an area to build a new murphy bed, polish up your skis, tune up your bike or create something without feeling like you are making a mess? Active hobbyists and artists alike transform this space into the woodshop or studio space of their dreams as part of the cooperative living experience.



The unit composition of the cooperative includes:

UNIT TYPE	# OF UNITS	SQ. FT. RANGE	# IN SHOREWOOD	# IN TONKA BAY
ONE BEDROOM + DEN	14	1,178 – 1,340 sf	10	4
2 BEDROOM	20	1,500 – 1,504 sf	16	4
2 BEDROOM + DEN	22	1,564 sf	14	8
TOTALS:	56	1,178 – 1,564 sf	40	16

The cooperative does have a full time (32 – 40 hrs. per week) building manager and part-time maintenance technician (20 - 30 hrs. per week) on the premises. These individuals are overseen by a professional property management company.

PROPERTIES INVOLVED:

ADDRESSES / LEGAL	PIDs	PROPERTY OWNERS	CONTRACT/PERMISSION
24320 & 24250 Smithtown Road / Tract B Registered Land Survey #0482 & Lot 3 Auditor's Subdivision No. 133	3311723140040 & 3311723140042	Thomas Higgins Mark & Carrie Justinak	Purchase Agreements

ZONING & COMPREHENSIVE PLAN INFORMATION OF PROPERTIES INVOLVED:

	24320 SMITHTOWN ROAD	24250 SMITHTOWN ROAD	COMBINED
MUNICIPALITY	CITY OF TONKA BAY	CITY OF SHOREWOOD	
COMPREHENSIVE PLAN GUIDANCE	COMMERCIAL	MEDIUM DENSITY	
CURRENT ZONING	C2 (GENERAL COMMERCIAL)	R2-A	
ANTICIPATED ZONING REQUEST	PUD	PUD	
SITE AREA	48,601 SF (1.12 ACRES)	63,492 SF (1.46 ACRES)	112,083 SF (2.58 ACRES)
PROPOSED DENSITY	14.3 UNITS PER ACRE	27.4 UNITS PER ACRE	21.7 UNITS PER ACRE



SITE PLAN & BUILDING DETAILS

REGULATION	PROPOSAL
PRINCIPAL USE:	Active Adult Cooperative
ACCESSORY USE(S):	Underground parking structure
FRONT YARD SETBACK (MIN) (SOUTH):	35 feet
SIDE YARD SETBACK (MIN) (WEST & EAST):	20 feet
REAR YARD SETBACK (MIN) (NORTH):	20 feet
HEIGHT (MAX):	48 Feet*

* = AVG HEIGHT MEASURED FROM GRADE AT FRONT OF BUILDING (SOUTHERN FACE)

PARKING PROPOSAL:

USE: MULTIFAMILY RESIDENTIAL	PROPOSAL [BASED ON 56 UNITS]	
	RATIO	COUNT
GARAGE PARKING	1.50:1	84
SURFACE PARKING	0.48 : 1	27
TOTAL PARKING	1.98 : 1	111
BICYCLE PARKING	0.41 : 1+	40+

TRAFFIC PROJECTIONS

We understand that the site's relative proximity to the intersection of Smithtown Road/Manitou Road has been a topic of concern based on other redevelopment proposals in the immediate area, so we wanted to provide some general information about our cooperative project as this use is contemplated by both communities. We would understand and fully intent to have a full traffic analysis completed, should the communities invite our concept to move forward into the more formal review processes.



Based upon recent cooperatives we've developed and/or are in presales, the following reflects traffic projections of the proposed Tonkawood Cooperative from recently completed traffic studies by 3rd party traffic engineers in other jurisdictions (specifically: Long Lake, Golden Valley)

TRAFFIC PROJECTION DATA POINTS	COUNTS		
		ENTERING	EXISTING
AVERAGE TRIP PER UNIT	3.24		
*TOTAL ESTIMATED TRIPS PER DAY	182	91	91
AM PEAK HOUR TRIPS	12	4	8
PM PEAK TRIPS	15	8	7

* example: 1 car leaving and returning to site = 2 trips

Based on past cooperative communities we've developed, the majority of our owners are retired, partially retired or have flexibility as to when they come and go throughout the day – leading to most owners avoiding rush hour traffic. Compared to other redevelopment options that could be entertained by the Cities on either independent site [Tonka Bay (commercial), Shorewood (medium density residential)], we believe that any traffic analysis completed by a non-biased party will conclude to our age-qualified cooperative use as being the least impactful to traffic in the immediate area.

Respectfully Submitted,



Ben Landhauser AICP

Executive Vice President

Main 612.875.5637

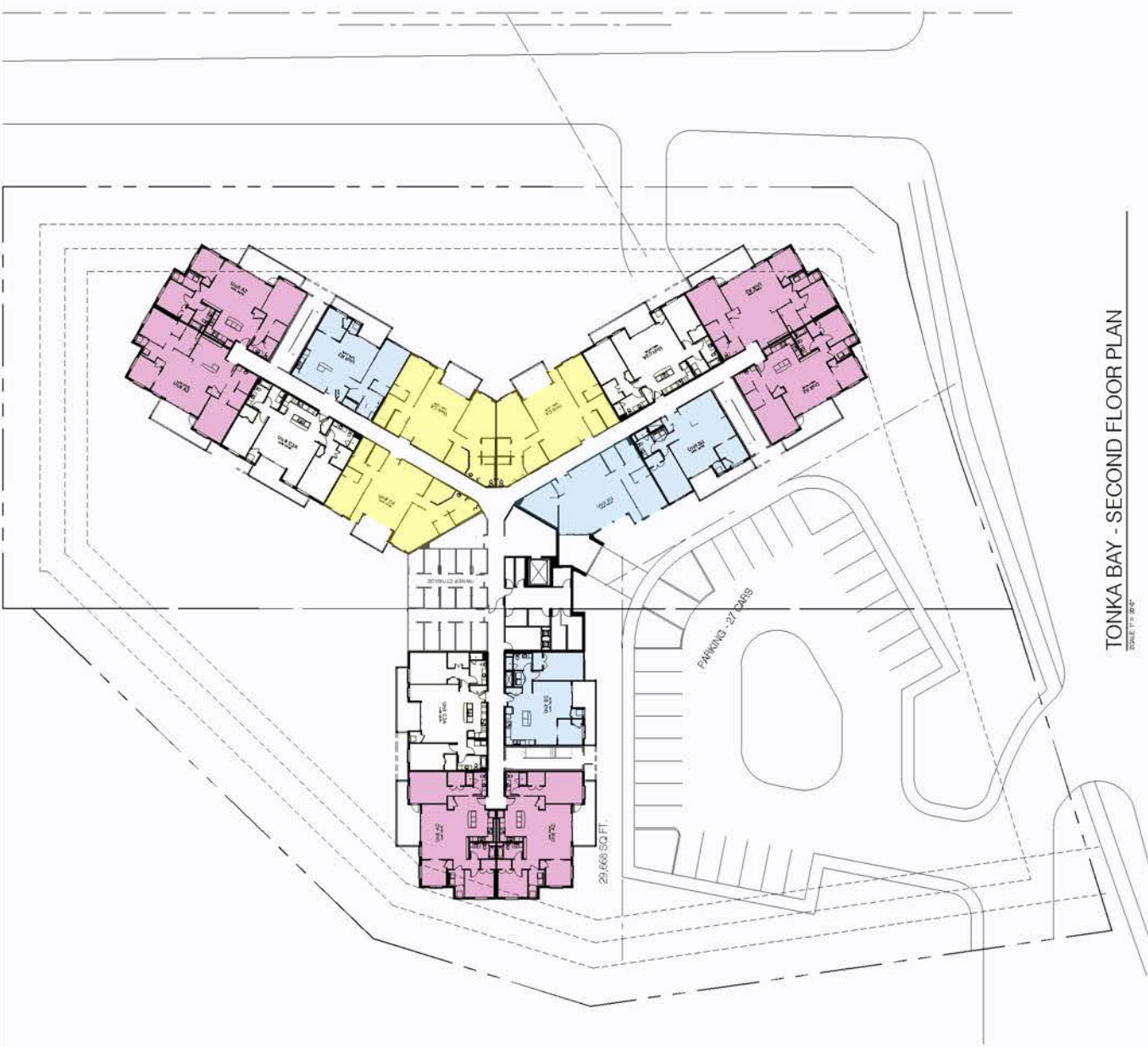
Direct 612.875.1618

ben@thislifestyle.com

 **lifestyle**
communities







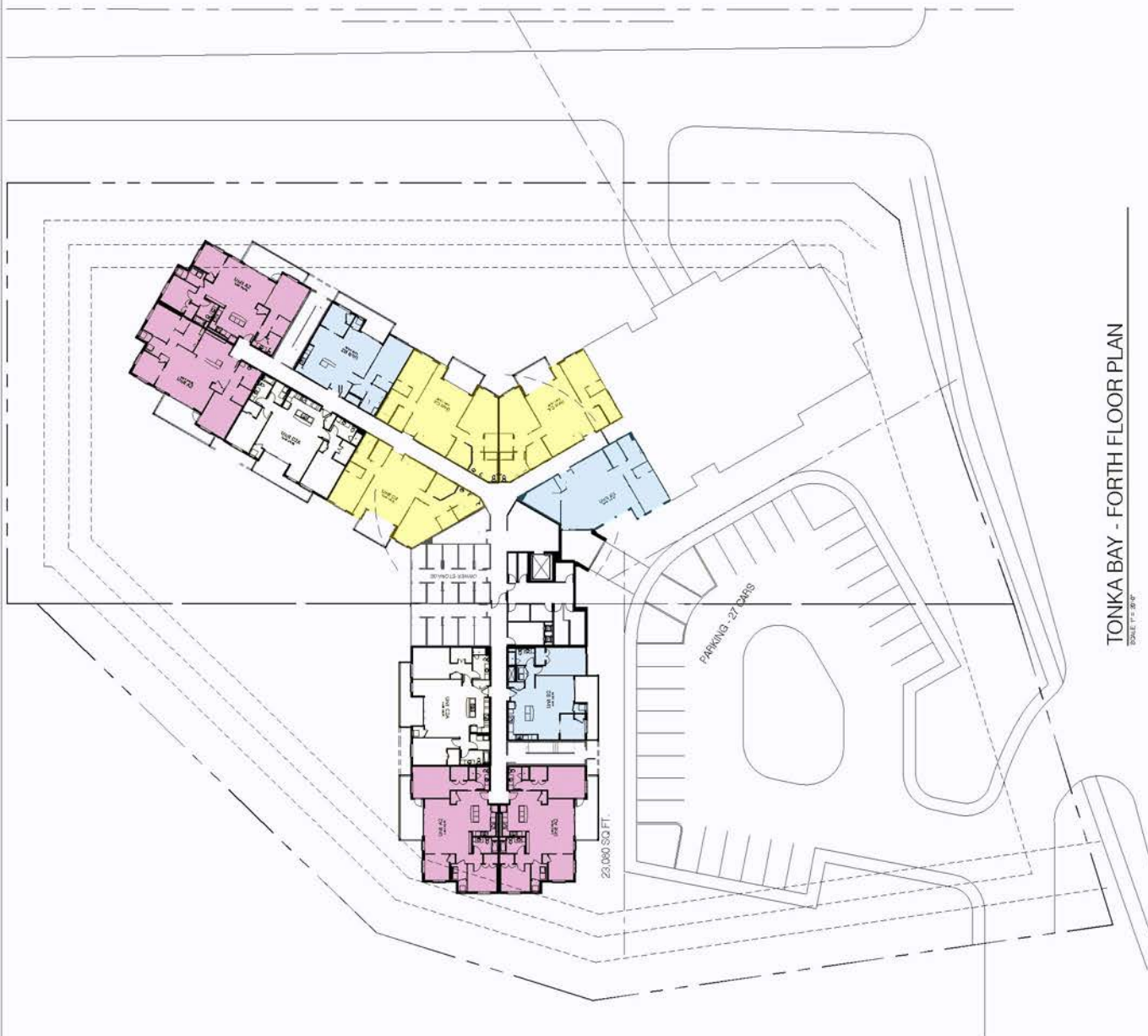
TONKA BAY - SECOND FLOOR PLAN

SCALE: 1" = 30'



TONKA BAY - THIRD FLOOR PLAN

SCALE: 1" = 30'



TONKA BAY - FORTH FLOOR PLAN

DATE _____







